



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

**5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAY 04 2016

City of Newton
c/o Joshua Morse, Commissioner
Public Buildings Department
52 Elliot Street
Newton Highlands, Massachusetts 02461

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
Former Aquinas College
Newton, Massachusetts

Dear Mr. Morse:

This is in response to the City of Newton (the City) Notification¹ for approval of a proposed plan to address PCB contamination identified in the Former Aquinas College building located at 15 Walnut Park, Newton, Massachusetts. The building contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. PCBs have been found in caulk, in the adjacent building substrate (i.e., brick), and in soil.

In its Notification, the City has proposed the following PCB cleanup and disposal plan:

- Remove all caulk with PCBs with greater than or equal to (\geq) 1 part per million (ppm) (both the College and Convent sections) and windows within the College section, and dispose in accordance with 40 CFR § 761.62, and reinstall new caulk
- Decontaminate *non-porous surfaces* (i.e., window/door frames) to less than ($<$) 10 $\mu\text{g}/100 \text{ cm}^2$ PCBs and collect verification samples to confirm that the standard has been met

¹ The Notification was prepared by Universal Environmental Consultants (UEC) and Lord Associates, Inc. on behalf of the City of Newton to satisfy the requirements under 40 CFR §§ 761.61(a)(3), 761.61(c) and 761.79(h). Information was submitted dated January 25, 2016 (PCB Abatement Plan), March 11, 2016 (Revised PCB Abatement Plan); March 21, 2016 (2nd Revised PCB Abatement Plan); April 11 and 12, 2016 (2 emails clarifying PCB cleanup standard for *non-porous surfaces*); and April 19, 2016 (email clarifications-second phase of the work). These submittal shall be referred to as the "Notification".

- Encapsulate PCB-contaminated *porous surfaces* (i.e., brick to a minimum distance of 3 inches in contact with PCB caulk) located within the College section with a physical barrier as described in the Notification
- Excavate *PCB remediation waste* (i.e., soil) with greater than ($>$) 1 ppm and dispose of in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(ii)
- Collect soil samples in accordance with 40 CFR Part 761 Subpart O to confirm that the less than or equal to (\leq) 1 ppm PCB standard has been met

Based on the EPA's review, the information provided in the Notification meets the requirements under § 761.62 and § 761.79(h) for abatement of PCB caulk, and PCB-contaminated *non-porous surfaces* and § 761.61(c) for physical encapsulation of the PCB-contaminated *porous surfaces*. EPA finds that the proposed encapsulation of PCB-contaminated *porous surfaces* should effectively prevent direct exposure of these PCB-contaminated *porous surfaces* to building users provided the physical barriers are maintained. As such, EPA may approve the encapsulation under § 761.61(c).

The City may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c) and § 761.79(h); § 761.62; its Notification; and this Approval, subject to the conditions of Attachment 1. This Approval does not address potential PCB contamination in the Convent section of the property. In the Notification, the City proposed to address the Convent section under a separate phase and additional assessment is necessary to identify the nature and extent of the PCB contamination. This Approval requires the City to complete this investigation by December 31, 2017. (See Attachment 1, Condition 1).

Please be aware that EPA is requiring that the City submit a sampling plan for the stone pavers and concrete pavement to confirm PCB concentrations. (Please see Attachment 1, Condition 11.a.)

EPA encourages the compliance with greener cleanup practices for all cleanup projects, and recommends adherence to the ASTM Standard Guide to Greener Cleanups E2893-13 (Guide) for work conducted under this Approval and the Notification. Greener cleanups is the practice of incorporating options that minimize the environmental impacts of cleanup actions in order to incorporate practices that maximize environmental and human benefit. Please see Section 6 of the Guide for the Best Management Practices (BMP) Process dated December 19, 2013. (See www.astm.org/Standards/E2893.htm for additional information) EPA encourages you to review the Guide and implement any practices that are feasible. The cleanup completion report should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.

Under this Approval, EPA is reserving its rights to require additional cleanup and/or mitigation measures should the sampling or monitoring results indicate that PCBs at the Site pose an unreasonable risk of injury to health or the environment.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bryan Olson', with a long horizontal line extending to the right.

Bryan Olson, Director
Office of Site Remediation & Restoration

cc Ammar Dieb, UEC
Ralph Tella, Lord Associates
MassDEP – Northeast Region
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
FORMER AQUINAS COLLEGE (the Site)
CITY OF NEWTON
15 WALNUT PARK
NEWTON, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
 - a. This Approval does not address the Convent section of the building where PCB caulk will be removed.
 - b. The City of Newton (the City) shall conduct an investigation in the Convent section of the *porous surfaces* located adjacent to removed PCB caulk by December 31, 2017. The City shall submit the PCB sampling results to EPA within 30 days of receipt of the analytical results. In the event that the City determines that PCBs are present in the Convent section at greater than (“>”) 1 part per million (“ppm”), cleanup of these PCBs may be addressed under a separate plan or the City may propose to modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 19.
 - c. EPA is reserving its rights to require additional investigation or mitigation measures at any time, including circumstances under which sampling results indicate an unreasonable risk of injury to Site users.
2. The City shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The City must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the City shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Notification. The City is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. The City shall submit the following information for EPA review and/or approval:
 - a. a sampling plan for the *porous surfaces* (i.e., stone pavers and concrete pavement) located adjacent to PCB caulk;
 - b. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - c. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,

- d. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.
12. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.

DECONTAMINATION AND DISPOSAL CONDITIONS

13. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
14. All visible residues of *PCB bulk product waste* (i.e., caulk) shall be removed as described in the Notification.
- a. The cleanup level for *PCB remediation waste* (e.g., soil, *porous surfaces*, etc.) at the Site shall be less than or equal to (\leq) 1 ppm, with exception of *porous surfaces* that will be encapsulated.
 - i) Following removal of the bulk *PCB remediation waste* (i.e., soil) verification samples shall be collected in accordance with 40 CFR Part 761 Subpart O to confirm that all soil with greater than ($>$) 1 ppm PCBs has been removed. Samples shall be collected on a bulk basis (i.e., mg/kg) and reported on a dry weight basis. Soil samples shall be collected from both excavation bottoms and sidewalls, as applicable.
 - ii) All post-cleanup verification sampling for *porous surfaces* (e.g., stone or concrete pavement) shall be performed on a bulk basis (i.e. mg/kg). Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, dated May 5, 2011, at a maximum depth interval of 0.5 inches.
 - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.

- b. The decontamination standard for exterior *non-porous surfaces* (i.e., window/door frames) shall be $\leq 10 \mu\text{g}/100 \text{ cm}^2$ PCBs.
 - i) All post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100 \text{ cm}^2$) and at the frequency specified in the Notification.
 - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
 - iii) For decontaminated *non-porous surfaces* that have PCB concentrations exceeding the decontamination standard, the City may conduct additional decontamination to achieve the required decontamination standard or the City must store and dispose of these wastes as TSCA-regulated waste in accordance with 40 CFR Part 761.
- c. Following encapsulation of PCB-contaminated *porous surfaces* (i.e., brick) post-encapsulation sampling shall be conducted to determine the effectiveness of the encapsulation.
 - i) Surface wipe samples shall be collected from encapsulated *porous surfaces*. Wipe sampling of encapsulated surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100 \text{ cm}^2$).
 - ii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
 - iii) In the event that PCB concentration in any wipe sample is $> 1 \mu\text{g}/100 \text{ cm}^2$, the City shall contact EPA for further discussion and direction on alternatives.
 - iv) The post-abatement sampling requirements for encapsulated *porous surfaces* shall not apply to *porous surfaces* covered with a physical barrier (e.g., metal sheeting) rather than an encapsulant or coating (e.g., epoxy paint).

- d. Initial post-abatement indoor air sampling and indoor surface wipe sampling for PCBs shall be conducted to determine the impact of the abatement activities.
 - i) Initial post-abatement sampling
 - (1) Indoor air sampling shall be conducted in accordance with EPA Method TO-4A or TO-10A. Sufficient sample volumes shall be collected to provide a minimum laboratory reporting limit of less than ($<$) 50 ng/m³ for total PCBs. At a minimum, PCB analysis shall include PCB homologues and/or PCB congeners.
 - (2) Wipe sampling of indoor surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100\text{ cm}^2$). Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
 - ii) In the event that the PCB concentration in any wipe sample is greater than or equal to (\geq) 1 $\mu\text{g}/100\text{ cm}^2$ or any air sample result is $> 50\text{ ng/m}^3$, the City shall contact EPA for further discussion and direction on alternatives.
15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

DEED RESTRICTION AND USE CONDITIONS

16. Within thirty (30) days of completing the activities described in the Notification and in the Approval, the City shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site, which may be satisfied by the monitoring and maintenance implementation plan (see Condition 22). Within seven (7) days of receipt of EPA's approval of the draft deed restriction, the City shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction.
17. Within 10 days of recording the deed notice required in Condition 16, the City shall submit to EPA a certification signed by a City official verifying that the deed restriction has been recorded with a copy of the recorded deed restriction.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

18. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
19. Any modification(s) in the plan, specifications, or information submitted by the City, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. The City shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.
20. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from the City to make a determination regarding potential risk.
21. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

22. Within 60 days of completion of the work authorized under this Approval, the City shall submit for EPA's review and approval, a detailed MMIP for the surface encapsulants and barriers, as applicable. The City shall incorporate any changes to the MMIP required by EPA.
- a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and reporting requirements.
 - b. The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users, including building users, other on-site workers, and interested stakeholders.
 - c. The MMIP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the building coatings/barriers.
 - d. The City shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the coatings and/or barriers.
 - e. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
 - f. A copy of the MMIP shall be attached to the deed restriction (see Condition 16).

RECORDKEEPING AND REPORTING CONDITIONS

23. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by the City in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.

24. The City shall submit a final report to EPA in hardcopy and electronic format (e.g., CD-ROM), within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the cleanup and disposal activities, with photo documentation and Greener Cleanups BMP documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests and/or bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also include a certification signed by a City official that the authorized activities have been implemented in accordance with this Approval and the Notification.
25. As required under Condition 22 of this Approval, the City shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA.
26. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
27. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1